



Virginia
Regulatory
Town Hall

Periodic Review and
Notice of Intended Regulatory Action
Agency Background Document

Agency Name:	Virginia Employment Commission
VAC Chapter Number:	16 VAC 5-10
Regulation Title:	Definitions and General Provisions
Action Title:	Review & Pre-NOIRA
Date:	June 28, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

Sets out a comprehensive list of definitions for words, phrases, and terms of art used in the regulations. Establishes the public participation guidelines and procedures to be followed in the development and periodic review of regulations.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or

discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Sections 60.2-111 & 623 of the Code of Virginia

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.

There was no public comment received regarding this regulation. No informal advisory group has been or will be formed to assist with the periodic review or development of a proposal.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

GOALS

To provide a comprehensive list of definitions for various words, phrases and terms of art which will enable citizens and interested parties to better understand and use the regulations. To provide reasonable opportunity for citizens and interested parties to fully participate in the regulatory review process.

EFFECTIVENESS

In order for citizens of the Commonwealth to use the Commission's regulations, certain terms must be defined. The current definitions were reviewed, and it was determined that they are appropriately written and easily understandable. However, as the agency moves to a service delivery system that utilizes the internet and e-government initiatives detailed in Executive Order Sixty-Five (00), more terms will need to be defined in order to ensure that citizens will remain able to use and understand the regulations. Definitions that allow access to the agency and its services protect the public safety, health and welfare of all citizens of the Commonwealth.

The public participation guidelines were also reviewed. The committee determined that changes need to be made in certain areas. References to the State Advisory Board should be deleted because the Board was eliminated by the legislature, and no entity was formed to replace it.

Also, to ensure public participation, the guidelines should be expanded to contemplate public hearings in localities other than Richmond if that is necessary to maximize public participation. This will protect the public safety, health and welfare of all citizens of the Commonwealth by providing more meaningful opportunity for public participation in the regulatory review process. The public participation guidelines are well written and easily understandable and allow all citizens an opportunity to participate in the regulatory review process.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The current public participation guidelines were reviewed against the requirements of Executive Order Twenty-Five (98), and recommendations are being made to ensure compliance with that Executive Order.

The definitions will be expanded to encompass the changes made to the agency's other regulations.

Recommendation

Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.

The agency recommends that this regulation be amended to address the areas of concern noted above.

Substance

Please detail any changes that would be implemented.

All references to the State Advisory Board will be eliminated. The language regarding public hearings will be changed to contemplate public hearings in locations other than Richmond, and will not require that public hearings be held in all cases. The composition of the Regulatory Review Committee will be changed to require representation from Administrative Law, Internal Audit Services, Tax, Benefits and the Policy and Planning division of the Commissioner's office. Other agency personnel may serve as needed. The definitions section will be expanded to include new terms necessitated by other regulations.

Family Impact Statement

Please provide a preliminary analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The only impact that this regulation has on the items delineated is that full public participation encourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse and one's children and/or elderly parents. This regulation ensures that all citizens of the Commonwealth have an opportunity to participate in the regulatory review process. The definition section ensures that all citizens will be able to understand and use the agency's regulations.